

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ESMELING BAHENA,

Plaintiff,

v.

RODRIGUEZ, et al.,

Defendants.

Case No. 1:20-cv-01685-SAB (PC)

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS

and

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION

(ECF Nos. 2, 5)

Esmeling Bahena (“Plaintiff”), a state prisoner, is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Along with his complaint, Plaintiff filed an application to proceed *in forma pauperis* in this action. Plaintiff attached his trust statement, but he did not use the correct form. On December 21, 2020, Plaintiff filed a second motion to proceed *in forma pauperis* on the correct form. Reviewing the two forms, Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month’s income credited to plaintiff’s trust account. The California Department of

1 Corrections and Rehabilitation is required to send to the Clerk of the Court payments from
2 plaintiff's account each time the amount in the account exceeds \$10.00, until the statutory filing
3 fee is paid in full. 28 U.S.C. § 1915(b)(2).

4 In accordance with the above and good cause appearing therefore, IT IS HEREBY
5 ORDERED that:

6 1. Plaintiff's application to proceed in forma pauperis is GRANTED;

7 **2. The Director of the California Department of Corrections and Rehabilitation**
8 **or his designee shall collect payments from plaintiff's prison trust account in an amount**
9 **equal to twenty per cent (20%) of the preceding month's income credited to the prisoner's**
10 **trust account and shall forward those payments to the Clerk of the Court each time the**
11 **amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a**
12 **total of \$350.00 has been collected and forwarded to the Clerk of the Court. The payments**
13 **shall be clearly identified by the name and number assigned to this action;**

14 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
15 plaintiff's *in forma pauperis* application on the Director of the California Department of
16 Corrections and Rehabilitation, via the court's electronic case filing system (CM/ECF); and

17 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
18 Department, U.S. District Court, Eastern District of California, Sacramento Division.
19 IT IS SO ORDERED.

20 Dated: **December 23, 2020**


UNITED STATES MAGISTRATE JUDGE